



# U.S. Department of Justice Office of the Inspector General

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## Report to Congress on Implementation of Section 1001 of the USA PATRIOT Act

*(as required by Section 1001(3) of Public Law 107-56)*

July 17, 2003

The USA PATRIOT Act (Patriot Act), Public Law 107-56, enacted by Congress and signed by the President on October 26, 2001, provides expanded law enforcement authorities to enhance the federal government's efforts to detect and deter acts of terrorism in the United States or against United States' interests abroad. Section 1001 of the Patriot Act directs the Office of the Inspector General (OIG) in the U.S. Department of Justice (DOJ) to undertake a series of actions related to claims of civil rights or civil liberties violations allegedly committed by DOJ employees. It also requires the OIG to provide semiannual reports to Congress on the implementation of the OIG's responsibilities under Section 1001. This report – the third since enactment of the legislation – summarizes the OIG's Patriot Act-related activities from December 16, 2002, through June 15, 2003.

## **I. INTRODUCTION**

The OIG is an independent entity that reports to both the Attorney General and Congress. The OIG's mission is to investigate allegations of waste, fraud, and abuse in DOJ programs and personnel and to promote economy and efficiency in DOJ operations.

The OIG has jurisdiction to review programs and personnel in all DOJ components, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Federal Bureau of Prisons (BOP), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the U.S. Attorneys' Offices, and other DOJ components.<sup>1</sup>

The OIG consists of the Immediate Office of the Inspector General and the following divisions and offices:

**Audit Division** is responsible for independent audits of Department programs, computer systems, and financial statements.

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<sup>1</sup> Since its creation in 1989, the OIG has had the authority to conduct audits and inspections in all DOJ components and investigations of employee misconduct in all components except the FBI and the DEA. On July 11, 2001, the Attorney General expanded the OIG's jurisdiction to include criminal and administrative investigations of FBI and DEA employees. On November 2, 2002, the President signed Public Law 107-273, the DOJ Reauthorization Act, which codified the OIG's authority to investigate misconduct throughout the DOJ, including allegations of misconduct in the FBI and the DEA. In addition, on November 25, 2002, the President signed Public Law 107-296 that created a Department of Homeland Security. As a result of this law, on March 1, 2003, the Immigration and Naturalization Service (INS) moved from the DOJ to the new Department of Homeland Security (DHS). Consequently, the OIG's review of allegations of misconduct involving INS employees – including claims of civil rights and civil liberty abuses – ended in early 2003. Now, if the OIG receives allegations involving immigration-related issues, including complaints about abuse of civil rights or civil liberties by employees of the former INS, we forward the complaints to the DHS OIG.

**Evaluation and Inspections Division** provides an alternative mechanism to traditional audits and investigations to review Department programs and activities.

**Investigations Division** is responsible for investigating allegations of bribery, fraud, abuse, civil rights violations, and violations of other criminal laws and administrative procedures that govern Department employees, contractors, and grantees.

**Office of Oversight and Review** blends the skills of attorneys, investigators, and program analysts to investigate or review high profile or sensitive matters involving Department programs or employees.

**Office of General Counsel** provides legal advice to OIG management and staff. In addition, the office drafts memoranda on issues of law; prepares administrative subpoenas; represents the OIG in personnel, contractual, and legal matters; and responds to Freedom of Information Act requests.

**Management and Planning Division** assists the OIG by providing services in the areas of planning, budget, finance, personnel, training, procurement, automated data processing, computer network communications, and general support.

The OIG has a staff of approximately 400 employees, about half of whom are based in Washington, D.C., while the rest work from 19 Investigations Division field offices and 7 Audit Division regional offices located throughout the country.

## **II. SECTION 1001 OF THE PATRIOT ACT**

Section 1001 of the Patriot Act provides the following:

The Inspector General of the Department of Justice shall designate one official who shall -

- (1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice;
- (2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official; and

- (3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection.

In compliance with Section 1001, Inspector General Glenn Fine hired a Special Counsel, Scott Dahl, as the official who is responsible for overseeing the OIG's Section 1001 activities and coordinating the OIG's response to the Section 1001 directives. Mr. Dahl is a career Department of Justice official who worked as a prosecutor in the Public Integrity Section of the Criminal Division from 1997 to 2003, as a trial attorney in the Fraud Section of the Civil Division from 1992 to 1997, and as an attorney in a private firm from 1989 to 1992.

### **III. CIVIL RIGHTS AND CIVIL LIBERTIES COMPLAINTS**

*Review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice.*

The OIG established the Special Operations Branch in its Investigations Division to help manage the OIG's investigative responsibilities outlined in the Patriot Act.<sup>2</sup> The Special Agent in Charge (SAC) who directs this unit is assisted by two Assistant Special Agents in Charge (ASAC), one of whom assists on Patriot Act and DEA matters and a second who assists on FBI matters. In addition, two Investigative Specialists support the unit and divide their time between Patriot Act and FBI/DEA responsibilities.

The Special Operations Branch receives civil rights and civil liberties complaints via mail, e-mail, telephone, and facsimile. The complaints are reviewed by the Investigative Specialist and ASAC responsible for the Patriot Act. After review, the complaint is entered into an OIG database and a decision is made concerning its disposition. The more serious civil rights and civil liberties allegations that relate to actions of a DOJ employee or DOJ contractor are normally assigned to an OIG Investigations Division field office where OIG special agents conduct investigations of criminal violations and administrative

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<sup>2</sup> This unit also is responsible for coordinating the OIG's review of allegations of misconduct by employees in the FBI and the DEA.

misconduct.<sup>3</sup> Some complaints are assigned to the OIG's Office of Oversight and Review for investigation.

Given the number of complaints and its limited resources, the OIG does not investigate all allegations of misconduct against DOJ employees. The OIG refers, for appropriate handling, many complaints involving DOJ employees to internal affairs offices in DOJ components, such as the FBI Office of Professional Responsibility, the DEA Office of Professional Responsibility, and the BOP Office of Internal Affairs. In certain referrals, the OIG requires the components to report the results of their investigations to the OIG. In most cases, the OIG notifies the complainant of the referral.

Many complaints involve matters outside the OIG's jurisdiction. The ones that identify a specific issue for investigation are forwarded to the appropriate investigative entity. For example, complaints of mistreatment by airport security staff are sent to the DHS OIG. We also have forwarded complaints to the OIGs at the Department of Veterans Affairs, United States Postal Service, United States Army, and to the Civil Rights Office in the Department of Education. In addition, we have referred complainants to a variety of police department internal affairs offices who have jurisdiction over the subject of the complaints.

When an allegation received from any source involves a potential violation of federal civil rights statutes by a DOJ employee, the complaint is discussed with the DOJ Civil Rights Division for possible prosecution. In some cases, the Civil Rights Division accepts the case and requests additional investigation by either the OIG or the FBI. In other cases, the Civil Rights Division declines prosecution.

The OIG has received directly from the Civil Rights Division complaints alleging physical abuse and civil rights and civil liberties abuses by DOJ employees against persons who are Muslim or Arab. These complaints generally come from the Civil Rights Division's Initiative to Combat Post-9/11 Discriminatory Backlash and its National Origin Working Group.

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<sup>3</sup> The OIG can pursue an allegation either criminally or administratively. Many OIG investigations begin with allegations of criminal activity but, as is the case for any law enforcement agency, do not end in prosecution. When this occurs, the OIG is able to continue the investigation and treat the matter as a case for potential administrative discipline. The OIG's ability to handle matters criminally or administratively helps to ensure that a matter can be pursued administratively, even if a prosecutor declines to prosecute a matter criminally.

## **A. Complaints Received this Reporting Period**

From December 16, 2002, through June 15, 2003, the period covered by this report, the OIG received the following number and types of complaints:

- Number of complaints received suggesting a Patriot Act-related civil rights or civil liberties connection:<sup>4</sup> 1,073
- Number of “unrelated” complaints:<sup>5</sup> 370
- Number of complaints outside the OIG’s jurisdiction:<sup>6</sup> 431
- Number of complaints within the OIG’s jurisdiction: 272
  - Number of complaints within the OIG’s jurisdiction that state a credible Patriot Act complaint: 34

The 272 complaints received by the OIG during this reporting period that fell within the OIG’s jurisdiction (*i.e.*, that state a claim involving a DOJ component or employee) covered a wide variety of subjects. They included allegations of excessive force by BOP correctional officers, verbal abuse by BOP staff, rude treatment by INS inspectors, unwarranted cell searches by BOP officers, and illegal searches of personal residences and property by FBI agents. However, many of the 272 complaints in this category, while within the OIG’s jurisdiction and couched as a “Patriot Act” or “civil rights” complaint, do not raise issues implicated by Section 1001. For example, the OIG received numerous complaints from inmates alleging that they have not received appropriate medical care, as well as e-mails from individuals asking about the status of immigration paperwork they had submitted to the INS.

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<sup>4</sup> This number includes all complaints in which the complainant makes any mention of a civil rights or civil liberties violation, even if the allegation is not within the OIG’s or the DOJ’s jurisdiction, or the allegation appears unsupported on its face.

<sup>5</sup> Complaints in this category cite no credible, improper act by a DOJ employee or contractor and state no discernible nexus to a civil rights or civil liberties violation. Examples include individuals who claim they are under 24-hour surveillance by the CIA or other governmental agencies; individuals who allege that their e-mails and phone calls are being intercepted; and non-detained individuals who claim they are being tortured by the government.

<sup>6</sup> These complaints generally cite issues that involve other federal agencies, state governments, local law enforcement agencies, or private businesses. Examples include allegations that local law enforcement officers used excessive force or entered a home without a search warrant; allegations of retaliation, unfair labor practices, or discrimination by federal agencies outside the DOJ; and allegations that corrections staff violated civil rights of state inmates.

Consequently, after closely analyzing the complaints in this category, the OIG identified 34 that raised credible Patriot Act violations on their face. These allegations ranged in seriousness from alleged beatings of immigration detainees to BOP correctional officers allegedly verbally abusing inmates.

## **B. Patriot Act Cases this Reporting Period**

### **1. Complaints Worked by the OIG**

During this reporting period, the OIG opened six new Patriot Act-related investigations, continued eight ongoing Patriot Act-related cases, and closed three investigations. Among the new cases opened by the OIG alleging civil rights and civil liberties abuses by DOJ employees during this reporting period are the following:

- The OIG is investigating allegations raised by approximately 20 inmates that a BOP correctional officer at a prison facility engaged in abusive behavior toward inmates that included verbally abusing a Muslim inmate and ordering him to remove his shirt so that the officer could use it to shine his shoes. The BOP's Office of Internal Affairs (OIA) initially conducted an investigation and provided the OIG with a copy of its report that concluded the allegations were unsubstantiated. Because BOP OIA did not interview the inmate complainants or the correctional officer, the OIG initiated its own investigation. A BOP witness provided the OIG with a sworn statement confirming the allegations. Additionally, OIG investigators interviewed six inmates who also corroborated the allegations. When the OIG interviewed the correctional officer, he admitted verbally abusing the Muslim inmate. The correctional officer also admitted that he was "less than completely candid" when he originally provided a memorandum to the BOP about the incident. The OIG presented the results of its investigation to the Civil Rights Division, which declined prosecution. The OIG is drafting a report of investigation that will be provided to the BOP.
- The OIG is investigating claims by an Egyptian national that the FBI improperly arrested him immediately following the September 11, 2001, terrorist attacks and that during his detention his civil rights and civil liberties were violated. According to the Egyptian national, while held at a BOP facility, he was forced to undergo multiple and duplicative invasive body cavity searches, denied access to counsel, denied the right to practice his religion, forced to consume food prohibited by his religion, not informed of the date and time of day in order to observe religious holidays and prayers, and denied access to the Egyptian Consulate. To date, the OIG has conducted approximately 50 interviews of BOP

employees who had contact with the detainee during his detention. The OIG is attempting to interview the detainee.

- The OIG received information from the Civil Rights Division's National Origin Working Group that a BOP correctional officer is alleged to have verbally and physically abused an inmate while he was being transported to the prison's hospital and that the inmate had been placed in solitary confinement since the alleged incident. The OIG has interviewed the alleged victim, several witnesses, and the correctional officer. The investigation is ongoing.
- The OIG is investigating allegations that FBI agents conducted an illegal search of an Arab-American's apartment and that during the search they vandalized the apartment, stole items, and called the complainant a terrorist. The complainant alleged that the items taken were never returned or logged into evidence. According to the complainant, even though the FBI found no evidence linking him to terrorism, FBI agents returned approximately four months later and recruited an acquaintance of his to plant drugs in the complainant's home. FBI agents then arrived at the complainant's home, requested to search the apartment, and arrested the complainant when drugs were discovered.
- The OIG received a complaint alleging that Muslim inmates at a BOP facility have been targeted for disciplinary actions and subjected to disparate treatment by correctional officers. Specifically, the complainant alleged that certain members of the BOP staff exhibit a general animosity toward Muslim inmates and take retaliatory actions against the inmates on a regular basis. The OIG has interviewed the complainants and several witnesses and is planning to conduct further interviews.

The following are examples of civil rights and civil liberties cases opened during the previous reporting period that the OIG continued to investigate during this reporting period:

- The OIG has been investigating allegations that some BOP correctional officers physically and verbally abused detainees who were arrested on immigration charges in connection with the September 11 attacks and who were housed at the BOP's Metropolitan Detention Center (MDC) in Brooklyn, New York. As referenced in more detail later in this report, the OIG in June 2003 issued a special report examining the handling of the September 11 detainees that specifically discussed allegations of abuse at the MDC. While the Civil Rights Division and the United States Attorney's Office for the Eastern District of New York declined to



prosecute these matters criminally, the OIG continues to investigate the allegations as an administrative matter.

- The OIG is investigating claims that an INS detention enforcement officer at a detention facility held a loaded gun to an alien detainee's head and threatened the detainee while transferring him to another detention facility. OIG investigators have interviewed the detainee and the two officers who were involved in the transport in question. The investigation is continuing.
- The OIG opened an investigation based on allegations received from an INS detainee that the INS unlawfully detained him and others beyond the statutory limits imposed on the INS for detaining aliens. Additional allegations made by the detainee involved the use of unnecessary force against him and another detainee by correctional officers at a jail that holds INS detainees under a contract with the DOJ. During an interview, the complainant stated that while he was not physically abused, another detainee was physically abused. A review of their medical records showed no such documented injuries to the detainees. One detainee was treated with pain medication for knee problems as a result of an injury sustained while playing basketball. The OIG has completed its review of this matter and is drafting its report of investigation.
- The OIG continues to investigate claims that an INS Supervisory Detention Enforcement Officer (SDEO) entered a gas station operated by a man from the Middle East and, after demanding "papers" from the man, allegedly made a disparaging remark about the man's nationality. The SDEO also allegedly queried an immigration database using the gas station operator's name and the names of his children. The OIG has interviewed the gas station operator and the INS SDEO and is continuing to investigate the case

The following are summaries of the three OIG investigations closed during this reporting period:

- During the last reporting period, the OIG opened an investigation based on information received from the American-Arab Anti-Discrimination Committee involving a detainee who was being held in a jail for allegedly overstaying his visa. The detainee alleged that he was beaten, threatened by officers, denied adequate medical treatment, and forced to eat pork on a regular basis even though it was against his religion. The OIG interviewed the jail staff and reviewed the complainant's INS and medical records. The jail's Food Services Administrator told the OIG that the jail has had a 100 percent non-pork diet for approximately one year. In addition, prison dental records show that the victim signed consent

forms to have his badly infected teeth removed. Regarding the alleged assault by the correctional officers, the OIG investigation revealed conflicting information from the victim, witnesses, and officers, and the OIG could not substantiate the detainee's alleged injuries. The OIG presented the results of its investigation to attorneys in the Civil Rights Division, who declined prosecution. The OIG subsequently closed the case.

- The OIG investigated an allegation that an unidentified BOP correctional officer slammed the food tray door into the face of an INS detainee, causing his nose to bleed. According to the complaint, the correctional officer subsequently refused to provide the detainee with medical treatment the detainee had requested. As part of this investigation, the OIG reviewed the facility's logbooks, rosters, and staff photographs and created a "photo lineup" to assist the victim in identifying the assailant. The detainee refused to review the photo lineup or submit to an OIG interview. The Civil Rights Division declined to prosecute. The OIG conducted numerous interviews at the facility but could not substantiate any of the allegations and therefore closed the case.
- The OIG investigated allegations that a "detainee protest" resulted in detainees being beaten by correctional officers at a county jail that holds detainees for the federal government. According to the allegations, one detainee was beaten so badly that he was to be removed from his cell for medical treatment, but instead was placed in solitary confinement and forced to sign a form saying he had seen a nurse. In addition, according to the allegations a second detainee who suffered from psychological problems was allegedly beaten. Prior to the OIG's investigation, both detainees had been deported. A review of incident reports and medical records revealed that one of the detainees was charged with assaulting an officer and was restrained with pepper spray. However, medical records showed no injury to this detainee. No records could be found regarding the allegations of the second detainee. The OIG was unable to substantiate the allegations.

## **2. Complaints Referred to DOJ Components**

During this reporting period, the OIG referred 28 of the 34 complaints that stated a credible Patriot Act violation to internal affairs offices within DOJ components for their review or information. The OIG forwarded two complaints to the FBI. One of the complaints sent to the FBI alleged that an FBI agent displayed aggressive, hostile, and demeaning behavior while administering a pre-employment polygraph examination. The candidate for employment expressed concern that the agent may exhibit a discriminatory pattern against certain ethnic groups when administering polygraph examinations. The FBI

conducted an internal investigation and determined the allegations were unsubstantiated. The second complaint involves allegations from a naturalized U.S. citizen of Lebanese descent who claimed that armed FBI and ATF agents accompanied by local police invaded his home based on false information and wrongly accused him of possessing an AK-47 firearm. The FBI and the ATF are continuing to investigate this complaint.

The OIG also forwarded a complaint to the Drug Enforcement Administration (DEA) alleging that agents conducted an illegal search of an Arab-American's home. The complainant alleged that even though nothing illegal was found during the search, DEA agents confiscated the family's passports and personal property and have refused to return the items. This matter is still under investigation.

Prior to its transfer to the DHS, the OIG referred five complaints to the INS, including allegations that INS agents illegally searched an apartment and denied a detainee access to an attorney. Another complaint alleged a family was detained for over three hours at an airport, questioned, fingerprinted and not given any food or water. A separate complaint alleged that an INS employee treated an individual rudely in front of others and asked if he "wanted to kill Christians and Jews." The DHS's Bureau of Immigration and Customs Enforcement Office of Internal Audit is investigating one matter and has referred the other four matters to the appropriate DHS field office for information.

The OIG referred 20 complaints to the BOP this reporting period, including allegations that BOP staff threatened to have an inmate's conditions of confinement changed unless the inmate cooperated with the government; abused inmates verbally by making slanderous remarks about Islam; placed an inmate in solitary confinement with a camera and a light constantly illuminated and denied him legal assistance; executed excessive searches of Muslim inmates' cells because of their religious beliefs; and denied Muslim inmates access to television, radio, books, and newspapers.

Of the 20 complaints sent to the BOP for its review, the OIG designated 16 as "Monitored Referrals," which means that the BOP is required at the end of its investigation to send a report of the investigation to the OIG for its review. Regarding the "Monitored Referrals," the BOP substantiated allegations in one case, closed one as unsubstantiated, and suspended another case due to an active OIG investigation of abuse at the MDC in Brooklyn, New York. Thirteen matters remain open. For the four non-monitored referrals, the BOP sustained the allegations in one matter, closed one as unsubstantiated, consolidated a case with an OIG investigation, and has one open.

During this reporting period, the BOP substantiated a non-criminal Patriot Act allegation in which an inmate alleged that during a physical

examination a BOP physician told the inmate, "If I was in charge, I would execute every one of you . . . because of the crimes you all did." The physician allegedly treated other inmates in a cruel and unprofessional manner. The BOP conducted an internal investigation and sustained the allegations relating to the verbal abuse of the complainant. As a result of the BOP's disciplinary process, the BOP physician received a verbal reprimand.

### **C. Other OIG Activities Related to Allegations of Civil Rights and Civil Liberties Abuses**

The OIG is going beyond the explicit requirements of Section 1001 to more fully implement its civil rights and civil liberties responsibilities. Given the multi-disciplinary nature of its workforce, the OIG can extend its oversight beyond traditional investigations to include evaluations, audits, and special reviews of DOJ programs and personnel. Using this approach, the OIG conducted several special reviews, including a comprehensive review of the treatment of aliens held on immigration charges in connection with the September 11 terrorism investigation.

#### **1. A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks**

After the September 11 terrorist attacks, the Department used federal immigration laws to detain aliens in the United States who were suspected of having ties to the attacks or connections to terrorism, or who were encountered during the course of the FBI's investigation into the attacks. In the 11 months after the attacks, 762 aliens were detained in connection with the FBI terrorism investigation for various immigration offenses, including overstaying their visas and entering the country illegally.

The OIG examined the treatment of these detainees, including their processing, the bond decisions, the timing of their removal from the United States or their release from custody, their access to counsel, and their conditions of confinement. The OIG's 198-page report, released on June 2, 2003, focuses in particular on detainees held at the BOP's Metropolitan Detention Center (MDC) in Brooklyn, New York, and at the Passaic County Jail (Passaic) in Paterson, New Jersey, a county facility under contract with the INS to house federal immigration detainees. We chose these two facilities because they held the majority of September 11 detainees and also were the focus of many complaints of detainee mistreatment. As part of this examination, the OIG interviewed 32 September 11 detainees who were confined at the MDC and Passaic facilities and more than 110 officials and staff members at those facilities, the INS, the FBI, the BOP, the U.S. Attorney's Office, the Office of the Attorney General, the Office of the Deputy Attorney General, and the DOJ Criminal Division. The OIG also reviewed more than 200 official files

pertaining to September 11 detainees and examined a variety of DOJ policies and procedures.

In response to the September 11 attacks, the FBI allocated massive resources to its terrorism investigation. In addition, the amount of information and leads about the attacks and potential terrorists that the FBI received in the weeks and months after the attacks was staggering. Moreover, as our report points out, the Department was faced with unprecedented challenges responding to the attacks, including the chaos caused by the attacks and the possibility of follow-up attacks. Moreover, it also is important to recognize that Department employees worked tirelessly and with enormous dedication over an extended period of time to meet the challenges posed by the September 11 attacks and the ongoing threat of terrorism. Yet, while recognizing these difficulties and challenges, we found significant problems in the way the Department handled the September 11 detainees.

Among the report's findings:

- The FBI in New York City made little attempt to distinguish between aliens who were subjects of the FBI terrorism investigation (called "PENTTBOM") and those encountered coincidentally to a PENTTBOM lead. The OIG report concluded that, even in the chaotic aftermath of the September 11 attacks, the FBI should have expended more effort attempting to distinguish between aliens who it actually suspected of having a connection to terrorism from those aliens who, while possibly guilty of violating federal immigration law, had no connection to terrorism but simply were encountered in connection with a PENTTBOM lead.
- The INS did not consistently serve the September 11 detainees with notice of the charges under which they were being held within the INS's stated goal of 72 hours. The review found that some detainees did not receive these charging documents for weeks or more than a month after being arrested. This delay affected the detainees' ability to understand why they were being held, obtain legal counsel, and request a bond hearing.
- The Department instituted a policy that all aliens in whom the FBI had an interest in connection with the PENTTBOM investigation required clearance by the FBI of any connection to terrorism before they could be removed or released. The policy was based on the belief – which turned out to be erroneous – that the FBI's clearance process would proceed quickly. The OIG review found that instead of taking a few days as anticipated, the FBI clearance process took an average of 80 days,

primarily because it was understaffed and not given sufficient priority by the FBI.

- In the first 11 months after the terrorist attacks, 84 September 11 detainees were housed at the MDC in Brooklyn under highly restrictive conditions. These conditions included “lock down” for at least 23 hours per day; escort procedures that included a “4-man hold” with handcuffs, leg irons, and heavy chains when the detainees were moved outside their cells; and a limit of one legal telephone call per week and one social call per month.
- BOP officials imposed a communications blackout for September 11 detainees immediately after the terrorist attacks that lasted several weeks. After the blackout period ended, the MDC’s designation of the September 11 detainees as “Witness Security” inmates frustrated efforts by detainees’ attorneys, families, and even law enforcement officials to determine where the detainees were being held. We found that MDC staff frequently – and mistakenly – told people who inquired about a specific September 11 detainee that the detainee was not held at the facility when, in fact, the opposite was true.
- With regard to allegations of abuse at the MDC, the evidence indicated a pattern of physical and verbal abuse by some correctional officers against some September 11 detainees, particularly during the first months after the attacks and during intake and movement of prisoners. Although the allegations of abuse have been declined for criminal prosecution, the OIG is continuing to investigate these matters administratively.
- By contrast, the OIG review found that the detainees confined at Passaic had much different, and significantly less harsh, experiences than the MDC detainees. According to INS data, Passaic housed 400 September 11 detainees from the date of the terrorist attacks through May 30, 2002, the largest number of September 11 detainees held at any single U.S. detention facility. Passaic detainees housed in the general population were treated like “regular” INS detainees who also were held at the facility. Although we received some allegations of physical and verbal abuse, we did not find the evidence indicated a pattern of abuse at Passaic.

The OIG report offered 21 recommendations dealing with issues such as developing uniform arrest and detainee classification policies, improving information-sharing among federal agencies on detainee issues, improving the FBI clearance process, clarifying procedures for processing detainee cases, revising BOP procedures for confining aliens arrested on immigration charges who are suspected of having ties to terrorism, and improving oversight of

detainees housed in contract facilities. The OIG has asked the Department and its components to formally respond to these 21 recommendations.

Finally, on June 25, 2003, the Inspector General testified before the U.S. Senate Committee on the Judiciary regarding the OIG's detainee report.

## **2. Review of BOP Security Policies Regarding the Search of Religious Headwear**

In a separate review, the OIG examined the BOP's policies on searching religious headwear worn by visitors to BOP facilities. This review arose out of a complaint to the OIG from a Sikh attorney who was denied access to his client being held at the MDC in Brooklyn, New York, because he refused to remove his turban for inspection. The Sikh's religious practice requires him to wear his turban in public at all times.

The objective of our review was to examine the BOP's policies regarding religious headwear in light of the BOP's interest in ensuring security at its facilities. The OIG interviewed the Sikh attorney, officials at the MDC, and BOP managers as part of the review. In addition, the OIG met with the Sikh Mediawatch and Resource Task Force to explore potential solutions for searching religious headwear.

During our review, BOP Headquarters issued a memorandum to all Regional Directors and Wardens that clarified how the BOP's search policies should be interpreted and applied to the search of religious headwear. While this memorandum effectively addressed the Sikh attorney's complaint, the OIG recommended that the BOP take additional steps to ensure that its search policies are consistently applied throughout the BOP to all visitors who wear religious headwear.

Specifically, the OIG recommended that the BOP take the following actions:

- Classify religious headwear as part of the person and apply the same procedure used for searches of the person to searches of religious headwear.
- Formalize the search policies for religious headwear.
- Ensure that policies and procedures for searching religious headwear are substantially uniform throughout the BOP.

### **3. Review of the BOP's Process for Selecting Muslim Clerics**

During this reporting period, the OIG initiated a review to examine the procedures used by the BOP to select Muslim personnel, contractors, and volunteers who provide religious services to inmates. We initiated this review in response to a letter we received from a U.S. Senator expressing concern that the BOP relies solely on two organizations that allegedly have connections to terrorism to endorse Muslim cleric candidates as qualified religious leaders.

The OIG's review will examine the BOP's process for selecting Muslim religious service providers and determine whether this process effectively screens candidates to ensure that extremist groups do not become religious service providers in the BOP.

### **4. Review of the FBI's Implementation of the Attorney General's Guidelines**

In May 2002, the Attorney General issued revised domestic Guidelines that govern general crimes and criminal intelligence investigations. In May 2003, one year after the revised Guidelines have been in effect, the OIG began a review of the FBI's implementation of the four sets of Guidelines that became effective on that date: Attorney General's Guidelines Regarding the Use of Confidential Informants; Attorney General's Guidelines on FBI Undercover Operations; Attorney General's Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigations; and Revised Department of Justice Procedures for Lawful, Warrantless Monitoring of Verbal Communications.

The objectives of the OIG review are to determine what steps the FBI has taken to implement the Guidelines, examine how effective those steps have been, and assess the FBI's compliance with key provisions of the Guidelines. Because the FBI's adherence to these Guidelines could implicate civil rights or civil liberties issues, we are including the initiation of our review in this report.

## **IV. ADVERTISING RESPONSIBILITIES**

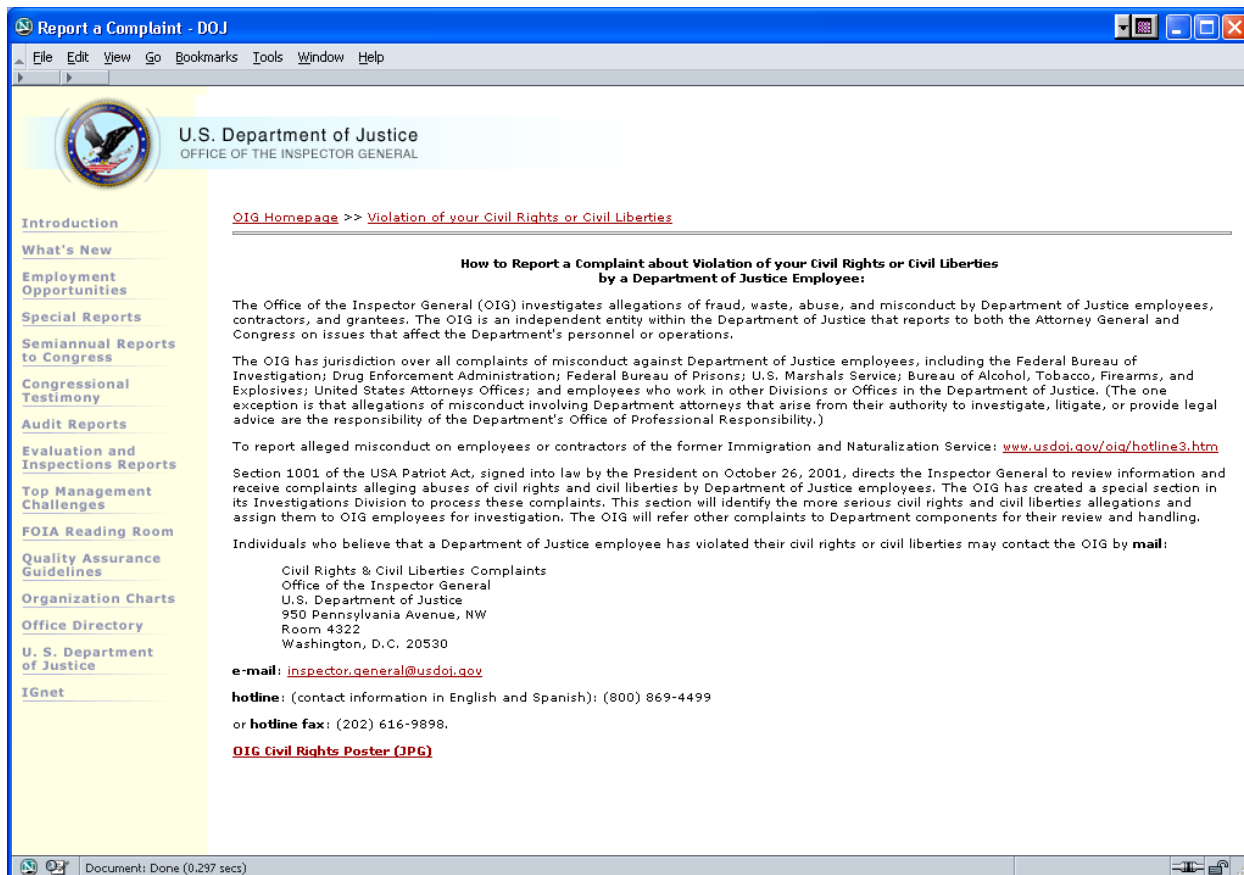
*Make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official.*

The OIG has initiated a variety of actions in response to Section 1001's advertising requirements and is planning to take additional steps in the months ahead.



## A. Internet

The OIG's website contains information about how individuals can report violations of their civil rights or civil liberties. The OIG also continues to promote an e-mail address – [inspector.general@usdoj.gov](mailto:inspector.general@usdoj.gov) – where individuals can send complaints of civil rights and civil liberties violations.



The OIG previously developed a poster, translated in Arabic, that explains how to file a civil rights or civil liberties complaint with the OIG and during this reporting period the OIG added an electronic version of this poster to its website.

The DOJ's main Internet homepage contains a link that provides a variety of options for reporting civil rights and civil liberties violations to the OIG. The Civil Rights Division's website also describes the OIG's role in investigating allegations of misconduct by DOJ employees and provides information on how to file a complaint with the OIG.

In addition, several minority and ethnic organizations have added information to their websites about how to contact the OIG with civil rights and civil liberties complaints. For example, the Arab American Institute ([www.aaiusa.org](http://www.aaiusa.org)), an organization that represents Arab Americans' interests and provides community services, added the OIG's Patriot Act poster to its website of information and resources for the Arab American community. The Institute also has informed its members and affiliates of the OIG's Patriot Act responsibilities through its weekly e-mail newsletter. Similarly, the American-Arab Anti-Discrimination Committee (ADC), one of the largest Arab American organizations in the nation, has posted the OIG's contact information and Patriot Act responsibilities on its website, which averages more than 1 million hits per month. The ADC also has published the OIG's Patriot Act responsibilities in its magazine, the *ADC Times*, which is circulated to more than 20,000 people. Furthermore, the OIG's Arabic poster and Patriot Act responsibilities have been disseminated electronically by the Council on American Islamic Relations LISTERV and the National Association of Muslim Lawyers LISTSERV.

## **B. Television**

During this reporting period the OIG developed television advertisements with the following text spoken in Arabic and scrolled in English:

*The Office of the Inspector General investigates allegations of civil rights and civil liberties abuses by U.S. Department of Justice employees. If you believe a Department of Justice employee has violated your civil rights or civil liberties, contact the Inspector General at 800-869-4499. That number again is 800-869-4499.*

The OIG purchased blocks of time on ANA Television Network, Inc., an Arab cable television station with outlets around the country. According to the promotional materials, ANA Television Network is the largest Arab-American television network in the country and broadcasts news and entertainment 24 hours a day. The segment will be aired 48 times, during prime time, each day from June 5, 2003, through July 22, 2003.

## **C. Posters**

The OIG continues to disseminate Patriot Act posters and, to date, has distributed approximately 2,500 posters to more than 150 organizations in 50 cities. The posters, in English and Arabic, explain how to contact the OIG to report civil rights and civil liberties abuses.

We also provided the posters to the BOP, which has placed at least two in each of its facilities. In addition, we previously provided approximately

400 posters to INS officials prior to the agency's transfer from the DOJ for distribution to its offices across the country. If the posters generate complaints about immigration officials, as of March 1, 2003, we have forwarded these allegations to the DHS OIG.

Finally, staff in the OIG's Investigations Division field offices also are distributing the posters to Arab businesses and organizations in their respective locations, including: New York City; Los Angeles; San Francisco; San Diego; Chicago; Detroit; Atlanta; Washington, D.C.; Miami; Tucson; McAllen; El Paso; and Dallas.

**REPORT**  
**Civil Rights & Civil Liberties Abuses**

**بلغوا عن أي انتهاك للحقوق  
أو للحريات المدنية**

يقوم مكتب المفتش العام التابع لوزارة العدل الأميركية بالتحقيق في أية اتهامات حول انتهاكات للحقوق والحريات المدنية على أي موظفين من مكتب التفتيش الفدرالي (FBI)، وكالة مكافحة المخدرات، دائرة الهجرة والجنس (INS)، مكتب الميجور الفدرالي، مكتب المراقبة الأميركي، مكاتب المدعين العامين، وجميع الوكالات الأخرى التابعة لوزارة العدل. إذا كنت تعتقد بأن أحد موظفي وزارة العدل قد أهدم على انتهاك حقوقك أو حرياتك المدنية، بإمكانك أن تتقدم بشكوى لدى مكتب المفتش العام. براسطة البريد على العنوان التالي:

**Civil Rights & Civil Liberties Complaints**  
Office of the Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Room 4706  
Washington, D.C. 20530

بريد الإلكتروني  
inspector.general@usdoj.gov

أو الفاكس (202) 616-9898

لمزيد من المعلومات إتصلوا بمكتب المفتش العام على الخط الساخن المجاني (800) 869-4499

The Office of the Inspector General (OIG),  
U.S. Department of Justice, investigates  
allegations of civil rights and civil liberties  
abuses by employees in the FBI, DEA, INS,  
Federal Bureau of Prisons, U.S. Marshals  
Service, U.S. Attorneys Offices, and all other  
Department of Justice agencies.

If you believe a Department of Justice employee  
has violated your civil rights or civil liberties,  
you may file a complaint with the OIG by:

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For more information  
visit the OIG's website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig)

**inspector.general@usdoj.gov**  
**(800) 869-4499 www.usdoj.gov/oig**

#### D. Newspapers

The OIG purchased advertisements in several newspapers about its role in investigating allegations of civil rights and civil liberties abuses. These display advertisements ran in large circulation newspapers such as *The Washington Post* and *The Washington Times* and in smaller, ethnic and community-based newspapers such as *The Beirut Times* in Los Angeles, California, and *The Arab American News* in Dearborn, Michigan.

Advertisements in the latter two newspapers appeared in both English and Arabic. The following is an example of the English text display advertisement.

**Report Civil Rights/Civil Liberties Abuses**

The Office of the Inspector General (OIG), U.S. Department of Justice, investigates allegations of civil rights and civil liberties abuses by employees in the FBI, DEA, INS, Federal Bureau of Prisons, U.S. Marshals Service, U.S. Attorneys Offices, and all other Department of Justice agencies.


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**e-mail:** [inspector.general@usdoj.gov](mailto:inspector.general@usdoj.gov)

**or fax:** (202) 616-9898

Call the OIG's toll-free hotline at **(800) 869-4499** for more information.



## **E. Radio**

During the previous reporting period, the OIG produced a 60-second radio advertisement that contained the following text, read first in English and then in Arabic:

*The Office of the Inspector General investigates allegations of civil rights and civil liberties abuses by U.S. Department of Justice employees. If you believe a Department of Justice employee has violated your civil rights or civil liberties, contact the Inspector General at 800-869-4499.*

Last fall, the OIG purchased advertising time to run this announcement on nine radio programs in five major metropolitan areas: New York City, Los Angeles, Chicago, Detroit, and Houston. The OIG selected these cities because they have large populations of Arab Muslims and have had the most anti-Muslim incidents reported since the September 11 terrorist attacks.

The OIG also placed this radio advertisement on small, ethnic radio stations that appeal specifically to Arab and Muslim listeners. The radio programs included: New York City's 1430 AM; New York City's 1680 AM South Asian; New York City's 930 AM Ramadan program; New York City's 930 AM Jaman program; Los Angeles's 1190 AM Muslim Radio; Los Angeles's 900 AM Pakistan Radio; Chicago's 1420 AM Arab Community Radio; Detroit's 690 AM Arab Radio; and Houston's 1180 AM.

In addition to purchasing advertisements, we distributed our advertisement text as a public service announcement to an additional 55 of the most popular radio stations in 13 cities across the United States: New York City, Los Angeles, San Francisco, San Diego, Sacramento, San Jose, Chicago, Detroit, Houston, Dallas, Austin, San Antonio, and Washington, D.C. We chose these locations for the public service announcement because they have large populations of Arab Muslims and have reported several Anti-Muslim incidents since September 11.

**F. Flyers**

With the assistance of the FBI's Language Services department, the OIG developed flyers in Urdu and Punjabi, which after Arabic, are the two most commonly spoken Arab languages. We are in the process of distributing these flyers to organizations that work with Urdu and Punjabi-speaking communities to inform them of the OIG's Section 1001 responsibilities.

# ਰਿਪੋਰਟ ਸ਼ਕਸੀ ਅਜ਼ਾਦੀ ਦੇ ਵਿਰੁਧ ਵਿਤਕੇ।

## REPORT

## CIVIL RIGHTS & CIVIL LIBERTIES ABUSES

ਅਮਰੀਕਾ ਦਾ ਇਨਸਾਫ਼ ਵਿਭਾਗ ਅਤੇ ਇੰਸਪੈਕਟਰ ਜਨਰਲ ਦਾ ਦਫ਼ਤਰ (OIG) ਲੋਕਾਂ ਦੇ ਮਾਨਵ ਅਧਿਕਾਰ ਅਤੇ ਮਾਨਵ ਅਧਿਕਾਰ ਉਤੇ ਕੀਤੀਆ ਗਈਆ ਬੇਇਨਸਾਫ਼ੀਆ ਦੀ ਤਹਕੀਕਾਤ ਕਰਦਾ ਹੈ। ਇਨਾ ਬੇਇਨਸਾਫ਼ੀਆ ਦਾ ਤਹਕੀਕਾਤ ਇਨਸਾਫ਼ ਵਿਭਾਗ, ਐ.ਬੀ.ਆਈ. , ਡੀ.ਈ.ਅ. ਉਤੇ ਆਈ. ਐਨ. ਐਸ. ਫੈਡਰਲ ਜੇਲ ਵਿਭਾਗ, ਅਮਰੀਕਾ ਦੀ ਮਾਰਸ਼ਲ ਸੇਵਾ, ਅਮਰੀਕਨ ਵਕਾਲਤ ਦੇ ਦਫ਼ਤਰ ਅਤੇ ਹੋਰ ਸਾਰੇ ਇਨਸਾਫ਼ ਵਿਭਾਗਾਂ ਦੇ ਮੁਲਾਜ਼ਮਾਂ ਅਤੇ ਅਧਿਕਾਰੀਆਂ ਦੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ।

ਅਗਰ ਤੁਹਾਨੂੰ ਯਕੀਨ ਹੈ ਕੀ ਤੁਹਾਡੇ ਨਾਲ ਕਿਸੀ ਇਨਸਾਫ਼ ਵਿਭਾਗ ਦੇ ਮੁਲਾਜ਼ਮ ਨੇ ਬੇਇਨਸਾਫ਼ੀ ਕੀਤੀ ਹੈ, ਤੁਸੀਂ ਅਪਨੀ ਸ਼ਿਕਾਯਤ ਉ. ਆਈ. ਜੀ. ਦੇ ਦਫ਼ਤਰ ਨੂੰ ਇਸ ਪਤੇ ਤੇ ਭੇਜੋ।

### ਚਿਠੀ ਭੇਜਣ ਦਾ ਪਤਾ

mail: Civil Rights & Civil Liberties Complaints  
Office of the Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
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e-mail: [inspector.general@usdoj.gov](mailto:inspector.general@usdoj.gov)

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## **V. EXPENSE OF IMPLEMENTING SECTION 1001**

*Submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report . . . including a description of the use of funds appropriations used to carry out this subsection.*

During this reporting period, the OIG spent approximately \$400,000 in personnel costs, \$16,000 in travel costs, and \$17,500 in non-personnel costs, for a total of more than \$433,500 to implement its responsibilities under Section 1001.

The personnel and travel costs reflect the time spent by OIG Special Agents, inspectors, and lawyers who have worked directly on Patriot Act-related matters. The non-personnel costs reflect interpreter services, printing of posters and flyers, distributing the posters, and developing and airing of the television ads.

## **VI. ADDITIONAL OUTREACH AND TRAINING EFFORTS**

In addition to media advertisements, the OIG is reaching out in other ways to educate the public and its own employees about its Patriot Act responsibilities. The following are examples of OIG outreach and education efforts:

- On June 12, 2003, an OIG Assistant Special Agent in Charge participated in an “Arab, Muslim and Sikh Awareness and Protocol Seminar” at the Middlesex County Fire Academy in Sayreville, New Jersey. The seminar was co-hosted by the U.S. Attorney’s Office for the District of New Jersey, DOJ’s Community Relations Service, the New Jersey State Police Community Affairs Bureau, the New Jersey Office of Bias Crimes and Community Affairs, and the Middlesex County Prosecutor’s Office. The seminar served to help build cultural awareness for law enforcement officials by educating them about Arab, Sikh, and Muslim Americans. Approximately 125 persons representing various federal, state, and local law enforcement agencies attended the seminar.
- On June 26, 2003, an OIG Special Agent in Charge attended the DOJ’s Community Relations Service sponsored training entitled “*Building Cultural Competency: Arab, Muslim and Sikh Americans.*” This day-long program was designed to assist the attendees to understand cultural issues relating to the Arab, Muslim, and Sikh communities in the United States and to provide guidance for training others.